

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	Case No. 1:00cr314
)	
Plaintiff,)	Judge Dan Aaron Polster
)	
vs.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
EDWARD CALLOWAY,)	
)	
Defendant.)	

Before the Court is Motion For Sentence Reduction Pursuant to 18 U.S.C. §3582(c)(2) filed by Defendant Edward Calloway (*ECF No. 26*). For the following reasons, Defendant's motion is **DENIED**.

On December 21, 2000, after Defendant pled guilty to possession with the intent to distribute cocaine base in violation of 21 U.S.C. §841(b)(1)(c), the Court sentenced Defendant to 151 months in prison and 5 years of supervised release. The Base Offense Level of 26 was enhanced to offense level 32 with a Criminal History Category VI upon the Court's determination that Defendant was a career offender due to prior drug trafficking convictions. The Court reduced Defendant's adjusted offense level to 29 for acceptance of responsibility, resulting in a sentence at the low end of the guideline range of 151-188 months.

Pursuant to 18 U.S.C. §3582(c)(2), U.S.S.G. §1B1.10, and the December 11, 2007 decision by the United States Sentencing Commission to retroactively apply Amendment 706 of

U.S.S.G. §2D1.1, Defendant moves the Court to reduce his sentence to 130 months based on an offense level of 27 and a sentencing guideline range of 130-162 months. Defendant's motion is **DENIED**. The Court sentenced Defendant as a career offender under U.S.S.G. §4B1.1 and not under U.S.S.G. §2D1.1. Sentence reductions pursuant to Amendment 706 do not apply to individuals sentenced as career offenders. *United States v. Perdue*, 572 F.3d 288, 292 (6th Cir. 2009) ("... [A] district court may not grant a motion for a reduction in sentence premised upon Amendment 706 if the defendant seeking the reduction was originally sentenced as a career offender ..."); *United States v. Alexander*, 543 F.3d 819, 825 (6th Cir. 2008); *United States v. Leasure*, No. 07-1625, 2009 WL 1546370, at *7 (6th Cir. June 3, 2009). Accordingly, Defendant is not eligible for a reduction in sentence.

IT IS SO ORDERED.

/s/*Dan Aaron Polster* *October 27, 2009*
Dan Aaron Polster
United States District Judge